

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|---|---|-----------------------------|
| RASTELLI PARTNERS, LLC, | : | CIVIL NO. |
| RASTELLI BROTHERS, INC. | : | 1:23-CV-2967-RBK-AMD |
| D/B/A RASTELLI FOODS | : | |
| GROUP, RAYMOND M. | : | |
| RASTELLI, JR. and RAYMOND | : | |
| RASTELLI, III, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| vs. | : | |
| | : | |
| JAMES A. BAKER a/k/a AL | : | |
| BAKER, BRITTANI BAKER and | : | |
| SABRINA BAKER, | : | |
| | : | |
| Defendants. | : | |
| | : | |
| DF VENTURES, LLC and | : | CIVIL NO. |
| DAYMOND JOHN, | : | 1:23-CV-3126-RBK-AMD |
| | : | |
| Plaintiffs, | : | |
| | : | |
| vs. | : | |
| | : | |
| FOFBAKERS HOLDING | : | |
| COMPANY, LLC, JABEZBAKER, | : | |
| LLC, JAMES A. BAKER a/k/a AL | : | |
| BAKER, <i>individually</i>, BRITTANI | : | |
| BO BAKER, <i>individually</i>, | : | |
| SABRINA BAKER, <i>individually</i>, | : | |
| | : | |
| Defendants. | : | |
| | : | |

[PROPOSED] ORDER TO SHOW CAUSE

THIS MATTER having come before the Court jointly by Plaintiffs, DF Ventures, LLC and Daymond John (together, the “DF Plaintiffs”), and Plaintiffs, Rastelli Partners, LLC, Rastelli Brothers, Inc. d/b/a Rastelli Foods Group, Raymond M. Rastelli, Jr. and Raymond Rastelli III’s (collectively, the “Rastelli Plaintiffs”) (DF Plaintiffs and Rastelli Plaintiffs collectively, “Plaintiffs”) Order to Show Cause for emergency relief against Defendants, FOBBakers Holding Company, LLC, Jabezbaker, LLC, James A. Baker a/k/a Al Baker, Brittani Bo Baker, and Sabrina Baker (collectively, “Defendants”), upon the Court’s review of the previously filed Amended Verified Complaint, supporting documentation attached thereto as Exhibits, the Court’s July 21, 2023 Orders and Opinions, and Memorandum of Law in Support of the present Order to Show Cause, and it appearing that Defendants, having been given notice through their counsel of the application, and for good cause shown,

IT IS HEREBY ORDERED THAT Defendants show cause before this Court at the Mitchell H. Cohen Building and U.S. Courthouse, 4th and Cooper Streets, Room 4D, Camden, New Jersey 08101 on October 23, 2023, at _____, why an Order should not be entered against Defendants:

1. Holding that Defendants are in direct Contempt of Court due to their violation of this Court’s July 21, 2023 Orders and Opinions, and granting all applicable relief for such Contempt of Court;

2. Compelling Defendants to fully comply with this Court's Orders dated July 21, 2023;
3. Compelling Defendants, within five (5) hours after issuance of an Order, to remove all social media posts which have been identified in this application and/or related to Plaintiffs and/or their Affiliates from the websites or applications to which they were posted, including, but not limited to, Facebook, Twitter, Instagram, and TikTok;
4. Prohibiting Defendants from directly or indirectly making further social media posts with any comments that would violated the 2019 Settlement Agreement or may be considered to be in any way negative, disparaging or false related to Plaintiffs and/or their Affiliates or disclosing or discussing any Confidential Information pursuant to the Operating Agreement or Settlement Agreement;
5. Prohibiting Defendants from directly or indirectly participating in interviews with media outlets related to their relationship and dealings with Plaintiffs and/or their Affiliates; and
6. Imposing all available sanctions against Defendants including, but not limited to, a daily monetary sanction for each day Defendants fail to comply with Court's July 21, 2023 Orders and awarding legal fees and costs to Plaintiffs.

IT IS FURTHER ORDERED that any responsive papers in opposition to the Order to Show Cause shall be filed by _____, 2023. Any reply papers in further support of the Order to Show Cause shall be filed by _____, 2023. A copy of this Order shall be served on Defendants' counsel by _____, 2023;

IT IS FURTHER ORDERED that, pending the return date of this Order to Show Cause,

7. Defendants shall immediately and fully comply with this Court's Orders dated July 21, 2023;
8. Defendants shall, within five (5) hours after issuance of this Order, remove all social media posts which have been identified in this application and/or related to Plaintiffs and/or their Affiliates from the websites or applications to which they were posted, including, but not limited to, Facebook, Twitter, Instagram, and TikTok;
9. Defendants are prohibited from directly or indirectly making further social media posts with any comments that would violated the 2019 Settlement Agreement or may be considered to be in any way negative, disparaging or false related to Plaintiffs and/or their Affiliates or disclosing or discussing any Confidential Information pursuant to the Operating Agreement or Settlement Agreement; and

10. Defendants are prohibited from directly or indirectly participating in interviews with media outlets related to their relationship and dealings with Plaintiffs and/or their Affiliates.

Dated: _____, 2023

ROBERT B. KUGLER
United States District Judge